

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

SELECTIVE INSURANCE COMPANY OF  
AMERICA,

Plaintiff,

v.

T-MOBILE NORTHEAST, LLC,

Defendant.

Civil Action No.:

**NOTICE OF REMOVAL**

*Document Electronically Filed*

TO: Clerk  
United States District Court  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street, Room 4015  
Newark, NJ 07101

Clerk, Law Division  
Superior Court of New Jersey  
Morris County Courthouse  
Washington & Court Streets  
Morristown, NJ 07960

Michael J. Marone, Esq.  
McElroy, Deutsch, Mulvaney & Carpenter, LLP  
1300 Mt. Kemble Avenue  
Morristown, NJ 07962

Pursuant to 28 U.S.C. §§ 1441 *et seq.*, Defendant T-Mobile Northeast, LLC ("T-Mobile Northeast"), by and through its counsel of record, and without waiving any rights or defenses, hereby gives notice of removal of the above-titled action to the United States District Court for the District of New Jersey. As grounds for removal, T-Mobile Northeast states as follows:

1. On July 27, 2017, Plaintiff Selective Insurance Company of America (“Selective”) filed a Complaint in the Superior Court of New Jersey, Law Division for Morris County, entitled *Selective Insurance Company of America v. T-Mobile Northeast, LLC*, Docket No. MRS-L-001645-17 (the “State Court Action”).

2. On the same date, T-Mobile Northeast received a copy of the Summons and Complaint in the State Court Action. Attached hereto as **Exhibit A** are true and correct copies of the documents T-Mobile Northeast received on July 27, 2017.

3. This Notice of Removal is timely filed within thirty (30) days after service or receipt of a copy of the initial pleading pursuant to 28 U.S.C. § 1446(b).

4. Selective’s Complaint seeks a declaratory judgment that Selective has no duty to defend or indemnify T-Mobile Northeast under the terms of a policy of insurance issued by Selective to Innovative Engineering, Inc. and under which T-Mobile Northeast is entitled to defense and indemnity coverage as an additional insured.

5. The Complaint alleges Selective “is an insurance company organized under the laws of the State of New Jersey and maintains its headquarters and principal place of business at 40 Wantage Avenue, Branchville, New Jersey.” Ex. A at ¶ 1

6. T-Mobile Northeast is not a citizen of the State of New Jersey.

7. At the time this action was commenced, T-Mobile Northeast was and remains a Delaware corporation organized under the laws of the State of Delaware and is a wholly owned subsidiary of T-Mobile USA, Inc., headquartered in Washington State.

8. Therefore, there is complete diversity under 28 U.S.C. § 1332(a)(1).

9. More than \$75,000, exclusive of interest and costs, is in controversy in this action.

10. Accordingly, this action is subject to removal to this Court pursuant to 28 U.S.C. §§ 1441(b) and 1332 based on diversity jurisdiction.

11. Venue is appropriate in the District of New Jersey because the Superior Court of New Jersey, Law Division for Morris County is located within this judicial district and division. 28 U.S.C. § 1441(a).

12. A copy of this Notice of Removal will be promptly served on counsel for Selective pursuant to 28 U.S.C. § 1446(d).

13. A copy of this Notice of Removal will also be promptly filed with the Clerk of the Superior Court of New Jersey, Law Division for Morris County, and notice of removal provided therewith pursuant to 28 U.S.C. § 1446(d).

14. By this Notice of Removal, T-Mobile Northeast does not waive and hereby expressly reserves any defenses it may have, including but not limited to any defenses that may be asserted pursuant to Rule 12 of the Federal Rules of Civil Procedure.

WHEREFORE, T-Mobile Northeast prays that the above-titled action now pending in the Superior Court of New Jersey, Law Division for Morris County, be removed to the United State District Court for the District of New Jersey, and that said action stand so removed.

SIGNED in accord with Rule 11 of the Federal Rules of Civil Procedure this 25th day of August, 2017.

Respectfully submitted,

**PORZIO, BROMBERG & NEWMAN, P.C.**

Attorneys for Defendant

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By: s/Charles J. Stoia  
Charles J. Stoia

Michael A. Moore (*Pro Hac Vice* petition to be submitted)

Kelly H. Sheridan (*Pro Hac Vice* petition to be submitted)

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